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John M. Schlarb

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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/709,167	Applicant(s) SCHLARBE ET AL.	
	Examiner Michael R. Shannon	Art Unit 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 1, 2005 have been fully considered but they are not persuasive.

Initially, the Examiner would like to acknowledge the cancellation of claims 65-78. Claims 1, 42-64, and 79-81 currently remain pending in the application.

The Applicant has expressed disagreement over the basic concept of programs being assigned to categories versus categories being assigned to programs or channels. In the remarks regarding the rejection of claim 1, the Application states, "*Lasky* appears to suggest that programs are **assigned to categories**. Applicants submit that this is vastly different than 'a terminal for displaying television program information and television programs, said terminal comprising...a memory configured for storing the first data and a second data, said second data different than the first data, said **second data comprising a plurality of assigned categories to television channels**' as recited in claim 1. For at least this reason claim 1 is patentable over *Lasky*" [page 15, first full paragraph]. The remarks regarding claims 53, 55, 57, 79, and 81 are similar in content to the remarks relating to claim 1. The same general argument (with minor differences to account for different claim language) is presented with regards to claims 1, 53, 55, 57, 79, and 81. In response to this argument, the Examiner notes that since each category of *Lasky* is assigned to a program, that means that a plurality of assigned categories are present on each channel. As stated in the previous Office Action, "Because *Lasky* shows that each channel can receive multiple programs

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with multiple categories (col. 6, lines 1-20, each program designated differed category), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (col. 6, lines 30-65), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information" [page 3, line 9]. Therefore, the Examiner contends that the assignment of categories to channels/programs and the assignment of channels/programs to categories is logically the same concept and is not a patentable distinction. A very well accepted definition of the work "assign," is to ascribe or attribute, which leads one to the understanding that attributing a category to a channel/program versus attributing a channel/program to a category is logically equivalent.

Very similar arguments relating to claims 59, 61, and 63 are presented by the Application. Specifically, the Applicant states "Yuen appears to suggest that a ***channel is assigned to a category***. Applicants submit that this is vastly different than receiv[ing] a first user input corresponding to the assignment of the ***first category to a first television channel***" [page 27, line 8]. In response to this very similar argument, the Examiner notes that since each category of *Lasky* is assigned to a program, that means that a plurality of assigned categories are present on each channel. As stated in the previous Office Action, "Because *Lasky* shows that each channel can receive multiple programs with multiple categories (col. 6, lines 1-20, each program designated differed category), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (col. 6, lines 30-65),

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a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information" [page 3, line 9]. Therefore, the Examiner contends that the assignment of categories to channels/programs and the assignment of channels/programs to categories is logically the same concept and is not a patentable distinction. A very well accepted definition of the work "assign," is to ascribe or attribute, which leads one to the understanding that attributing a category to a channel/program versus attributing a channel/program to a category is logically equivalent. Even though Yuen may suggest channels being assigned to categories, this is logically equivalent to the claimed invention of "assignment of the first category to a first television channel", since the assignment is done either way.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1, 42-50, 52, 53, 55, 57, 79, and 81 rejected under 35 U.S.C. 102(e) as being anticipated by Lasky (USPN 6,367,078), previously cited by Examiner.

Regarding Claim 1, Lasky shows in a television network, a terminal for displaying television program information and television programs (col. 4 lines 10-35,

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EPG system allowing to display category information and television program), the terminal comprising an interface to the television network, the interface being capable of receiving a first data (col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network), including respective program information for a plurality of corresponding television programs (col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), a memory configured for storing the first data and a second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52), the second data different than the first data, the second data comprising a plurality of assigned categories to television channels (col. 6 lines 1-20, category information including movies, sports, specials, news, etc., col. 6 lines 50-67, associating channel numbers and categories), and a processor coupled to the memory for causing the display of program information corresponding to the first data and corresponding to at least one television channel being determined by a corresponding category in the second data (col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category). Because Lasky shows that each channel can receive multiple programs with multiple categories (col. 6 lines 1-20, each program designated differed category), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (col. 6 lines 30-65), a channel

is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 42, Lasky shows that the processor causes the display in a browse banner of at least a portion of the first data, including information of the at least one channel based and program information corresponding to the first portion of first data (see fig. 6b, col. 6 lines 30-65, channel number and title of program).

Regarding Claim 43, Lasky shows that the display of the browse banner on top of a portion of the television program is responsive to receiving an input signal to initiate the browse command (col. 6 lines 27-65, indicating that the "channel hat" icon is displayed when a user changes the channel, activating the browser or "channel hat").

Regarding Claim 44, Lasky shows that the processor can display a browser banner to replace a portion of the first data being displayed, the second portion of the first data being displayed according to a display configuration different than the browse banner configuration (col. 5 lines 45-63, col. 6 lines 20-30, displaying program information in a program guide grid and banner system, as opposed to the "channel hat" method).

Regarding Claim 45, Lasky shows displaying the corresponding category assigned to the channel in the banner (fig. 6b, category 624 series (comedy)).

Regarding Claim 46, Lasky shows that the display of the assigned category in the browser banner is responsive to a user selection from one from a plurality of categories (col. 9 lines 55-67, col. 10 lines 1-10, surfing different programs by changing categories).

Regarding Claim 47, Lasky shows that a portion, or selected, category of the plurality of categories is shown to the user in the banner (fig. 6b, category 624 series. (comedy)).

Regarding Claim 48, Lasky shows a graphical representation of navigation keys used on a user input device to browse the program information corresponding to the at least one television channel being determined by the corresponding assigned category in the second data (fig. 6b, left and right arrows).

Regarding Claim 49, Lasky shows the processor blocking the tuning of television channels different than the at least one television channel being determined by the corresponding assigned category in the second data (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category).

Regarding Claim 50, Lasky shows the processor restricts channel tuning to only the at least one channel being determined by a corresponding assigned category in the second data (col. 6 lines 30-65, scrolling left and right only displays those programs

that are within the selected category).

Regarding Claim 52, Lasky shows that the at least one television channel being determined by a corresponding assigned category in the second data has two assigned categories (col. 6 lines 1-20, category information including movies, sports, specials, news, etc., col. 6 lines 50-67, associating channel numbers and categories). As discussed above, because Lasky shows that each channel can receive multiple programs with multiple categories (col. 6 lines 1-20, each program designated differed category), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (col. 6 lines 30-65), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 53, Lasky shows a terminal comprising an interface to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs (col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data comprising respective television channel identification for a plurality of television channels and respective associations of one or more categories to each television channel identification (col. 6 lines 30-65, category, title,

and channel data), a memory configured for storing the first data and the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52), and a processor, coupled to the memory, for causing the display of program information in the first data (col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category), said program information corresponding to television programs being provided by at least a portion of the plurality of television channels said at least portion of the plurality of television channels being determined by a corresponding association to a first category in the second data (col. 6 lines 30-40, showing existence of other programs within the same category).

Regarding Claim 55, Lasky shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs and respective associations of one or more categories for a plurality of corresponding television channels (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), and a processor, coupled to the memory, for causing the display of a browse banner on top of a portion of a first television program being displayed responsive to receiving an initial activation of a browse command (col. 5 lines

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30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category, fig. 6b browsing banner), said browse banner comprising a first program information in the first data (fig. 6b, title and channel number), said first program information corresponding to a second television program different than the first television program, wherein the processor causes the display of browse banner on top of the first television program without providing the second television program (col. 6 lines 30-40, channel hat showing existence of other programs and channels relating to the selected category).

Regarding Claim 57, Lasky shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs and a plurality of television channel categories (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), each television channel category being associated with a corresponding plurality of television channels (col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program), and a processor coupled to the memory col. 5 lines 30-45, control program and clock I/O module), said processor configured to receive a user-selected television channel category (col. 9 lines 55-67, col. 10 lines 1-10, user scrolls through available

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categories), and responsive to the receiving the user-selected television channel category provide program information exclusively for television programs corresponding to television channels associated with the user-selected television channel category (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category).

Regarding Claim 79, Lasky shows that the processor causes the display of corresponding programs exclusively to the at least one user selected television channel category (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category). All other limitations have been discussed with regards to Claim 75.

Regarding Claim 81, Lasky shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information) and a plurality of categories affecting the display of program information (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories, col. 9 lines 55-65).

user select desired category), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock U0 module), said processor configured to cause display of program information corresponding to television programs according to a television channel category and a television program category (fig. 6b, col. 6 lines 1-67), said television channel category being in association with at least one corresponding television channel (col. 6 lines 30-65) and said television program category being in association with the corresponding program information of at least one television program (col. 6 lines 1-20, programs assigned a category). As stated above, since the type of program frequently switches, the category displayed on each channel changes also. This effectively assigns a channel category to the channel based on the current program.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (USPN 6,367,078), previously cited by Examiner, in view of Amano et al (USPN 5,585,865), previously cited by Examiner.

Regarding Claim 51, Lasky shows that at least one channel is a plurality of channels corresponding to the assigned category in the second data (col. 6 lines 30-

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50, existence of other channels in category) and the processor causes the channel tuning to only said plurality of based on an order (col. 6 lines 30-50, channels arranged in numerical order in that particular category). Lasky fails to show that this order is determined by the user. Amano shows that the order of channels is determined by a user sorted listing of said pluralities of channels (col. 6 lines 30-50, col. 7 lines 8-21, programs in a designated channel are ordered based on the number of times the user watches that channel, with is user determined). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to have the user modify the order of listings, as in Amano, so that the user was presented with a highly customized channel line up.

6. Claims 54, 56, 58-64, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (USPN 6,367,078), previously cited by Examiner, in view of Yuen et al (USPN 5,673,089), previously cited by Examiner.

Regarding Claim 54, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

Regarding Claim 56, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines

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55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

Regarding Claim 58, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

Regarding Claim 59, Lasky shows a terminal comprising an interface for receiving data from to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs, said second data comprising a plurality of categories (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), each category being associated with a corresponding plurality of television channels, said plurality of categories including a first category (col.

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6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories), a memory configured for storing the first and the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56), and a processor (col. 5 lines 30-45, control program and clock I/O module), coupled to the memory, receiving a second user input corresponding to the first category (col. 9 lines 55-65, pressing up and down to select category), *and* responsive to the receiving the second user input, cause the display of program information for television programs corresponding to television channels associated with the first category (see fig. 6b, title, channel number, category), wherein the association of the first category to at least one television channel is received by the terminal from the television network (col. 6 lines 1-20, receiving program information including categories from television distribution network). Lasky fails to show receiving a user input corresponding to the assignment of the first category to a first television channel and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory. Yuen shows receiving a user input corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming) and responsive to the

receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign categories to channels, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 60, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 61, Lasky shows a terminal comprising an interface for receiving data from to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data comprising a plurality of categories, each category being associated with a corresponding plurality of television channels (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories), said plurality of categories including a first category, a memory configured

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for storing the first and the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), and receiving a second user input to cause the display of program information for television programs corresponding to television channels associated with the first category (see fig. 6b, title, channel number, category), wherein the association of the first category to at least one television channel is received by the terminal from the television network (col. 6 lines 1-20, receiving program information including categories from television distribution network). Lasky fails to show receiving a first user input corresponding to removing the association of the first category to a first television channel, responsive to the receiving the first user input, removing the association of the first category to the first television channel in the memory. Yuen shows receiving a user input corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory). Additionally, since the user has entire control of how channels and categories are assigned (col. 5 lines 60-67, user has entire control of category assignment), the user would be able to remove a category assignment. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign and remove categories to channels, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 62, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 63, Lasky shows a terminal comprising an interface for receiving data from to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data comprising a plurality of categories, each category being associated with a corresponding plurality of television channels (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories), said plurality of categories including a first category, a memory configured for storing the first and the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45,

data input module 56), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock 110 module), where the processor is configured to cause replacing of the second data in the second portion of the memory with a new data, said new data comprising a third data set and the modified first association, said third data being received from the television network, said third data corresponding to an updated version of the second data, said third data including the first association (col. 6 lines 1-20, EPG information received from network and master program guide data is stored in memory). Although not specifically stated, it is well understood that the EPG system frequently receives updated information from the head-end to update the program database. This allows the memory to have information regarding current shows and soon to be aired shows. The updating of the EPG information is a necessary process because of the impossibility of holding every bit of EPG information. Furthermore, because certain programs are not scheduled that far in advance, frequent updating is necessary to allow the system to stay current. Lasky further shows causing the display of program information for television programs corresponding to television channels associated with the first category (see fig. 6b, title, channel number, category) stored in the memory. Lasky fails to show receiving a first user input corresponding to a modification of the first association and responsive to the first user input, cause a modified second data by storing the modified first association in the second portion of the memory. Yuen shows receiving a user input corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user

can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign and remove categories to channels, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 64, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 80, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

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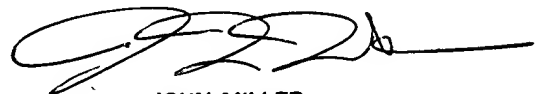
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Michael R Shannon
Examiner
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Michael R Shannon
November 15, 2005



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